

## **REMARKS/ARGUMENTS**

Claim 4 was objected to for duplicating an element of claim 1. Claim 4 has been canceled.

Claims 1-8, 10 and 11 were all rejected over a combination of the patents to Nagasawa and Kern. It is noted that the rejection would more properly be under Section 103. Reconsideration is requested.

Claim 9 was rejected under 35 U.S.C. § 103 over Nagasawa. Reconsideration of the rejection is requested.

First, attention is directed to the Conclusion section of the Office Action which comments upon the content of claim 1. It is noted that under both the 35 U.S.C. § 102 and 103 grounds of rejection, the Examiner challenges Applicant's argument concerning the non-disclosure in Nagasawa or Kern that "the width of each contact end being less than the width of the respective aperture to permit lateral movement of each contact end within the respective aperture." The Conclusion states that Applicant cannot rely upon this statement, as it appears in applicant's specification, but not the claim. Reconsideration is requested because independent claim 1, upon which all of the other claims are dependent, has as its last clause the precise words which the Conclusion section of the Office Action says are not present. That element appears to affect the allowability of the claims. Since the rejection appears in part to be premised upon the supposed absence of a clause that is actually present in claim 1, it is submitted that the rejection was incorrect or is moot and reconsideration is requested.

The undersigned had a telephone conversation with Examiner Hollington on September 30, 2004 wherein the question about the conclusion section of the Office Action was discussed and Examiner Hollington said that Applicant should file a response to the final Office Action which is here done.

With reference to the rejection of parent claim 1 over a combination of Nagasawa and Kern, the Examiner simply repeats that Nagasawa does not show the claimed element "the width of each contact end being less than the width of the aperture to permit lateral movement of each contact end within the respective aperture." In the Remarks to the previous Amendment, in

discussing Applicant's claim 1 at page 11 of the remarks, Applicant explains how Nagasawa does not show that feature. There is no explanation in the present Office Action as to how Nagasawa shows that element, why Applicant's argument concerning that element is wrong and therefore why claim 1 should not be allowed. Repetition of a ground of rejection by simply saying that an element is present in the reference, when Applicant has shown that it is not, provides no explanation, no guidance and no reason for the rejection.

It is noted that claims 12-17 have been withdrawn from consideration and in an effort to move the application to allowance, Applicant cancels claims 12-17, with possible inclusion in a continuing application.

In view of the comments herein, it is submitted therefore that remaining claims 1-3, and 5-11 are allowable.

Because the final Office Action appears to have been premised upon a faulty conclusion about the content of claim 1 and claim 1 is rejected over the same reference without explanation in the Office Action as to why that element is in fact present in the Nagasawa reference despite Applicant's arguments, it is requested that the finality of this Office Action be withdrawn and that the present Amendment and response be entered.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 5, 2004:

Robert C. Faber

Name of applicant, assignee or  
Registered Representative



Signature

October 5, 2004

Date of Signature

RCF:mjb

Respectfully submitted,



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